

the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States.

Postal-telegraph.

SEC. 5. That the United States shall have the right of way for such postal and telegraph lines across said bridge as the Government may construct or control, and all telegraph and telephone companies shall have equal rights and privileges in constructing and maintaining their lines over said bridge.

Use by other telegraph, etc., companies.

Amendment, etc.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act whenever in its judgment the public interests so require; and all alterations of said bridge, or its entire removal, shall be made at the expense of the owners of or persons controlling such bridge: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

Alterations, etc.

Proviso.

Protected navigation.

Commencement and completion.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date thereof.

Approved, August 29, 1890.

August 29, 1890.

CHAP. 817.—An act to authorize the construction of a bridge across the Columbia River by the Oregon Railway Extensions Company.

Oregon Railway Extensions Company may bridge Columbia River near Vancouver, Wash.
Limitations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Oregon Railway Extensions Company, a corporation existing under the laws of the State of Oregon, its successors, and assigns, be, and is hereby, authorized to construct and maintain, if in the opinion of the Secretary of War the same be a public necessity, a bridge across the Columbia River at a place suitable to commerce and not interfering with navigation, at a point at or near Vancouver, in the State of Washington, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided; that said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, by reason of the construction of said bridge, the cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said obstruction or bridge may be. Said bridge shall be constructed to provide for the passage of railroad trains, and, at the option of the said company or corporation, its successors and assigns, for the safe and convenient passage of wagons and vehicles of all kinds, animals and foot-passengers, for such reasonable rates of toll as may be fixed from time to time by the Secretary of War.

Free navigation.

Litigation.

Railway, or railway, wagon, and foot bridge.

Toll.

Draw-openings.

Channel-way.

Fixed channel-spans.

Channel-way.

Head-room.

Provisos.

Location of spans, and one draw-opening.

Reduced length of spans and number of draws.

SEC. 2. That said bridge shall be provided with two or more draw-openings, each having not less than two hundred feet clear channel-way, and in addition to said draw-openings one or more fixed channel-spans, each having not less than three hundred and fifty feet clear channel-way; and every part of the superstructure of said bridge shall give a clear headroom of not less than ten feet above extreme known high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw-opening shall, if practicable, be located next or near shore: *Provided also*, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw-

openings may be reduced: *Provided, also,* That for any two adjacent draw-openings of two hundred feet each one draw-opening of three hundred feet may be substituted, if, in the opinion of the Secretary of War, the interests of navigation be not injured thereby.

Substitution of one draw for two adjacent draws.

SEC. 3. That all draw-spans authorized by this act shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains; and also that in case the opening of a draw is delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through the draw shall be opened for the passage of such boat before another train is allowed to pass over the said span or spans; nor shall there be any unnecessary delay in the passage of trains over the bridge.

Opening, etc., of draws.

Signals.

No unnecessary delay in opening.

Right of way.

Prompt passage of trains.

Piers, etc.

SEC. 4. That all piers shall be built parallel with the current of the river at that stage of water which is most important for navigation, and the bridge itself shall be built as nearly as may be at right angles thereto; and that riprapping or other protection for imperfect foundations which will lessen the required water-way shall not be permitted; and also that piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if, after construction any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected under the direction of the Secretary of War, or at the expense of the company or persons owning, controlling, or operating said bridge.

Protected water-way.

Obstructions to navigation to be abated.

SEC. 5. That the approaches to said bridge shall be so designed and constructed as not to interfere with the free discharge of said river in seasons of flood; and any encroachment on the high-water cross-section by piers, solid embankments, or otherwise which will result in unduly accelerating the high-water current at the site of the bridge shall not be allowed.

Approaches.

Encroachments on high-water cross-section.

SEC. 6. That any corporation, company, or persons owning, controlling, or operating the bridge built under the authority of this act shall build and maintain at all times, as accessory works to such bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steam-boats, and other water-craft safely under or through said bridge; and if at any time after the construction of the bridge and its accessory works the approaches to draw-openings, channel-spans, or raft-passages in said bridge are found to be dangerous or difficult of access by any important class of river traffic, the Secretary of War may, upon the recommendation of the Chief of Engineers, United States Army, order the corporation, company, or persons owning, controlling, or operating said bridge to construct, under his directions, and to maintain such additional sheer-booms, dikes, and other devices as will obviate the difficulty mentioned, which additional sheer-booms, dikes, and other devices shall be built and maintained at their own expense by said company or persons; and that said company or persons shall maintain, at their own expense, from sunset to sunrise throughout the season of navigation, such lights and other signals on said bridge as may be required by the Light-House Board for the security of navigation.

Accessory works, aids to navigation.

Additional sheer-booms, etc.

Lights, etc.

SEC. 7. That the bridge authorized to be constructed by this act shall be located and built under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for his examination a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location, giving,

Regulations for security of navigation.

Secretary of War to approve plans, etc., before construction.

for a space of at least three miles above and one mile below the proposed location, the topography of the banks of the river and the shore-lines at high and low water. This map shall be accompanied by others drawn on the scale of one inch to two hundred feet, giving, for a space of one-half a mile above the line of the proposed bridge and one-quarter of a mile below, an accurate representation of the bottom of the river, by contour lines two feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and directions of the currents at low water, at high water, and at least one intermediate stage by triangulated observations on suitable floats. The maps shall also show the location of other bridges in the vicinity, and shall give such information as the Secretary of War may require for a full and satisfactory understanding of the subject, and the construction of the proposed bridge shall not be commenced until the location and plans thereof are approved by the Secretary of War.

- Construction.** SEC. 8. That any bridge constructed under the authority of this act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during construction of said bridge or after its completion, unless said changes or alterations conform to the provisions of this act and are authorized by the Secretary of War. That such alterations and changes as may be required by the Secretary of War in said bridge so as to preserve free and convenient navigation shall be made under the direction of the Secretary of War, at their own expense, by the company or persons owning, controlling, or operating said bridge. That during original construction or in carrying out any authorized changes or repairs of said bridge a navigable channel shall be preserved at the site of the bridge at all times, and the water-way of the river shall not be obstructed to a greater extent than is absolutely necessary, and such lights and buoys shall be kept on all coffer-dams, piles, and so forth, as may be necessary for the security of navigation.
- General supervision.**
- Structural changes, etc.**
- Free, etc., navigation.**
- Navigable channel, etc.**
- Lights and buoys.**
- Aids to navigation, etc.**
- Secretary of War to make alterations, etc., on failure to comply with certain requirements.**
- Suits for resulting expenses.**
- Use by other railroad companies.**
- Compensation.**
- Secretary of War to determine controversies.**
- Use by telegraph, etc., companies.**
- SEC. 9. That whenever the Secretary of War has good reason to believe that any of the provisions of sections four, six, and eight of this act have not been complied with by the company or persons owning, controlling, or operating the bridge authorized under its provisions it shall be the duty of the Secretary of War, on satisfactory proof thereof, to require the said company or persons to comply with the provisions of said sections, and, on failure of said persons or company to comply with said requirements within a reasonable time, the Secretary of War shall proceed to cause the necessary work, in the form of additions, alterations, repairs, or removal of obstructions, to be made at the expense of the United States and shall refer the matter, without delay, to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in the circuit court of the United States in and for the district in which any portion of said obstruction or bridge may be, for the recovery of such expense, and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.
- SEC. 10. That all railroad companies desiring the use of the bridge authorized by this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

SEC. 11. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charges shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal telegraph and telephone purposes over said bridge.

Lawful structure and post-route.

SEC. 12. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years, and completed within four years from the date of approval thereof.

Postal telegraph, etc.
Commencement and completion.

SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require the entire removal of the bridge constructed under the provisions of this act, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Amendment, etc.
Removal of bridge.

Approved, August 29, 1890.

CHAP. 818.—An act to change the time of the sessions of the circuit and district courts for the western district of Missouri.

August 29, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the terms of the circuit and district courts of the United States for the western division of the western district of Missouri shall begin and be held at Kansas City, in said State, on the first Mondays in March and September annually.

Missouri.
Western judicial district.
Changing time of sessions of courts of Western division.
At Kansas City.

That the terms of the circuit and district courts of the United States for the Saint Joseph division of the western district of Missouri shall begin and be held in Saint Joseph, in said State, on the first Mondays in April and November annually.

St. Joseph division.

That the terms of the circuit and district courts of the United States for the central division of the western district of Missouri shall begin and be held at Jefferson City, in said State, on the third Mondays in April and November annually.

In St. Joseph.

Central division.

That the terms of the circuit and district courts of the United States for the southern division of the western district of Missouri shall begin and be held at Springfield, in said State, on the third Mondays in May and October annually.

At Jefferson City.

Southern division.

At Springfield.

SEC. 2. That all process issued and returnable to either of said courts, in pursuance of existing law, shall be deemed returnable to the terms in this act established, and all recognizances for appearances at any of said now existing terms, shall be deemed and taken to have reference to and legal effect in the respective terms in this act established, all with the same force and effect as if this act had been in force at the time such process was issued and such recognizance taken.

Return of process issued.

Recognizances, etc.

SEC. 3. All acts providing for holding either of the courts in the first section of this act mentioned, at times other than those in said first section mentioned, are hereby repealed.

Repeal.
Vol. 20, p. 363.
Vol. 24, p. 425.
R. S., secs. 572, 658,
pp. 100, 121.
Ante, p. 106.

Approved, August 29, 1890.

CHAP. 819.—An act to amend an act entitled "An act for the relief of settlers on railroad lands," approved June twenty-second, eighteen hundred and seventy-four.

August 29, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges granted by the aforesaid act approved June twenty-second, eighteen

Public lands.
Certain settlers with unrecorded entries, etc., on railroad lands.